

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09-CR-00134-RJC

USA

v.

NATHANIEL JOE PASS

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ORDER

THIS MATTER is before the Court upon motion of the defendant for a reduction of sentence based on the First Step Act of 2018, (Doc. No. 59), to which the government consents.

The defendant was found guilty of possessing with intent to distribute 5 grams or more of a mixture or substance containing a detectable amount of cocaine base. (Doc. No. 24: Verdict at 1). Pursuant to § 5G1.1 of the United States Sentencing Guidelines, the advisory range was 60 months' imprisonment, (Doc. No. 48: Sent. Hr'g Tr. at 11), which the Court imposed, (Doc. No. 54: Amended Judgment at 2).

Under the First Step Act, the defendant is no longer subject to a statutory mandatory minimum sentence, resulting in an advisory guideline range is 33 to 41 months. (Doc. No. 57: Supplemental Presentence Report at 2). The defendant was transferred to the custody of the Bureau of Prisons (BOP) on December 20, 2018, after he served a state sentence for second degree murder. (Id.). He now seeks a sentence at the low end of the revised range followed by 3 years' supervised release, to which the government consents. (Doc. No. 59: Motion at 1, 4).

In exercising its discretion under the First Step Act, the Court has considered the factors set forth in 18 U.S.C. § 3553(a), as well as the defendant's post-sentence conduct and the public's safety. Based on these factors, the Court finds that a reduction of the defendant's sentence would accomplish the goals of sentencing.

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 59), is **GRANTED** and the defendant's sentence is reduced to 33 months' imprisonment followed by 3 years' supervised release. All other conditions remain unchanged.

The Clerk is directed to certify copies of this Order to the defendant, counsel for the defendant, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: April 28, 2020



Robert J. Conrad, Jr.
United States District Judge

